

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

*J. Forman  
Proc II*

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FILE: B-193659

DATE: January 23, 1979

MATTER OF: Columbia Loose-Leaf Corporation

*CN 1745*

*[Allegation That Low Bidder Submitted Unreasonably Low Bid and Will Not Be Able to Meet Contract Delivery Schedule]*

DIGEST:

1. No legal basis exists to preclude contract award merely because low bidder may have submitted below cost bid.
2. Allegations that low bidder does not understand solicitation requirements and cannot meet delivery schedule involve bidder's responsibility, affirmative determination of which is not reviewed by GAO except in cases of fraud or misapplication of definitive responsibility criteria set forth in solicitation.

*CN 1745*

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Columbia Loose-Leaf Corporation (Columbia) protests the proposed award of contract to Norwood Industries (Norwood), the low bidder, under solicitation No. FP00-EC-50090-A, issued by the General Services Administration. Columbia, the second low bidder, alleges Norwood's bid is unreasonably low, evidencing Norwood's failure to understand the requirements of the solicitation and that Norwood will be unable to meet the contract delivery schedule because it will be unable to obtain required materials.

*AGE 17*

We have repeatedly held that the mere fact a bidder may have submitted a below cost bid does not constitute a legal basis for precluding or disturbing a contract award. Swedlow, Inc., B-191629, May 8, 1978, 78-1 CPD 345, citing B-178928, July 17, 1973 and 50 Comp. Gen. 788 (1971).

The allegation concerning Norwood's understanding of the requirements relates to Norwood's responsibility as a prospective contractor. See Columbia Loose-Leaf Corporation, B-184645, September 12, 1975, 75-2 CPD 147.

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*dec*

So does the allegation concerning Norwood's ability to meet the delivery schedule. This Office does not review protests of affirmative determinations of responsibility unless fraud on the part of procuring officials is alleged, or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64. Neither exception is applicable here.

The protest is summarily denied.



Deputy Comptroller General  
of the United States